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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,079	02/06/2004	Scott A. Koerner	BMCA9159.365	2078
27062	7590	03/29/2005	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS INC. INTELLECTUAL PROPERTY DEPT PO BOX 230 NORTON, VT 05907-0230			ALI, HYDER	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/708,079		KOERNER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	HYDER ALI		3747	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,14,15,20,21,25-28 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 3-6,9-13,16-19,22-24,29-32 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/13/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Inventorship***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Claim Objections***

Claims 2 and 3 are objected to because of the following informalities:

In Claim 2, line 1, "T e" should read "The"

In Claim 3, line 1, "T e" should read "The". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7,8,14,20,21,25-28,33,34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunden (US 5,727,514) in view of Kamiya (US 5,355,851).

Sunden discloses an anti-corrosion fogging device for internal combustion engines such as marine engines, includes a system which injects oil having anti-corrosive properties into the engine of a boat. The device may be applied to two cycle outboard motors as well as four cycle engine. The system dispenses the anti-corrosive oil by means of an aerosol spray can 12 permanently connected to a remotely controlled solenoid valve 18 which through a hose 20 supplies oil to a spray nozzle 22 permanently installed on the engine 10. A user can at will dispense a controllable quantity of anti-corrosive oil into an internal combustion engine at the end of an operating cycle to protect the engine against corrosion during prolonged idleness.

Sunden does not disclose control unit to activate solenoid valve 18; injecting oil into the crankcase. However, Kamiya discloses control unit 29 activate solenoid valve 26 and to inject oil directly into the crankcase. It would have been obvious to one of ordinary skill in the art to modify Sunden by employing control unit to activate solenoid valve 18 and to inject oil directly into the crankcase in order to supply the control amount of oil into the engine for winterization.

Claims 2 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Sunden (US 5,727,514) in view of Kamiya (US 5,355,851) as applied to claims 1,7,8,14,20,21,25-28,33,34 and 35 above, and further in view of Haman et al (US 6,792,910). Haman et al discloses an oil pump 138 is controlled by the ECU 125 and fluidly connected to the oil supply and the oil injector. It would have been obvious to one of ordinary skill in the art to further modify Sunden by employing an oil pump 138 is

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controlled by the ECU 125 and fluidly connected to the oil supply and the oil injector in order to supply the control amount of oil into the engine for winterization.

***Allowable Subject Matter***

Claims 3-6,9-13,16-19,22-24,29-32 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference by Lavy et al (US 6,283,072) discloses method for controlling oil flow rate in a two-stroke engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (571) 272-4836. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Hyder Ali*

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**Supervisory Patent Examiner**  
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